

REMARKS

Claims 26-81 remain pending in the instant application. Claims 26-81 presently stand rejected. Claims 26,31,36,41,52,56,60 and 63 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 26-40

The Office Action rejected claims 26-40 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, stating, "...the specification does not describe another interface element's parameter being adjusted by the first parameter." (Office Action, 09/14/06, p. 3.)

Claims 26, 31, and 36, as amended, currently recite, inter alia, "...adjusting a first parameter corresponding to a scale of data...wherein the adjusting the first parameter causes a range of the data displayed by another user interface element of the graphical user interface to be adjusted based on a value of the first parameter." Applicant respectfully asserts that adjusting a range of data displayed by another user interface element based on a value of a first parameter is sufficiently supported by the specification and accompanying drawings as is more fully explained below.

First, Applicant's specification recites "...one parameter corresponds to a scale and the other parameter corresponds to an increment within the scale's range." (Spec., p. 13, lines 1-3). Thus, there is support, at least, in the specification for a first parameter *corresponding* to a scale of data.

Second, Applicant's specification recites "...the scale is selectively varied, thereby controlling a range within a data field." (Spec., p. 4, lines 26-27). Thus, there is support, at least, in the specification for *adjusting a range of data based on the scale*.

Third, the illustrated embodiment of FIG. 6A shows the range displayed by timeline 14 being adjusted as the scale is adjusted via control knob 16. Furthermore, the specification recites "[i]t can be seen from screen shots 25-30 that timeline 14 looks different for different time scales," and "[i]t can be seen from screen shots 25-30 of Figure 6 that as the scale is decreased, the resolution of timeline 14 is increased."

(Spec., p.15, lines 13-15 and 24-25). Thus, there is support in the specification and accompanying drawings for *displaying* the adjusted range in a user interface element.

Therefore, claims 26, 31, and 36 are sufficiently supported by Applicant's specification. Claims 27-30, 32-35, and 37-40 depend directly or indirectly from one of the foregoing independent claims. Therefore, Applicant respectfully submits that the dependent claims are also sufficiently supported by the specification as filed.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §112, first paragraph rejections of claims 26-40.

Claims 26-40 and 64-81

The Office Action rejected claims 26-40 and 64-81 under 35 U.S.C. §112, first paragraph, as based on a disclosure which is not enabling, stating, “[r]emapping of the mouse from cursor control to parameter control is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure.” (Office Action, 09/14/06, p. 3.) Applicant respectfully disagrees, as is more fully explained below.

The Advisory Action states “...the remapping needs to be claimed...since no other methods of performing the claimed ‘while a cursor of the graphical user interface is outside of the first region on the display device’ ...[are] discussed by applicants specification” (Advisory Action, 12/04/06, p. 2).

MPEP §2172.01 requires that the omitted matter be *disclosed as essential* by *Applicant*, either in the specification or other statements of record. Thus, the stated basis for the rejection (i.e., that no other methods are discussed) is improper. That is, it is improper to reject a claim based on 35 U.S.C. §112, first paragraph merely on the assertion that the applicant only shows one method of operation (which Applicant does not concede, as will be discussed in more detail below). Instead, a §112, first paragraph rejection based on omitted matter must show where applicant disclosed the matter as essential, not merely that it is the only method of operation discussed in the Application.

Furthermore, the Office Action states “...a graphical user interface is interacted with by the user to control the resolution of the range and the position in the range,” and “[a]ccording to the specification at page 4 lines 2-9, page 5 lines 3-13, page 11 lines 6-

23, page 12 lines 6-23, page 13 lines 1-11, page 14 lines 4-16 and 26-31, page 17 lines 14-25, and page 19 lines 1-8 and 20-26 this can *only* be performed after the mouse movement is remapped from cursor control to controlling the claimed parameters.”

[emphasis added] (Office Action, 09/14/06, p. 4.). Applicant asserts that NONE of the cited portions of Applicant’s specification disclose that control of the resolution and position of the range can ONLY be performed after the mouse movement is remapped to parameter control. For example, page 4, lines 2-9 recites:

“In view of the problems associated with providing a user with control over a broad range of data, particularly linear data, one objective of the present invention is to provide the user with access of data down to very fine resolutions in a simple, natural, and cost effective method by utilizing a cursor positioning device such as a mouse, a trackball, touch tablet, joystick or other input device having the capability of providing control for movement in 2 dimensions of a cursor.”

Nowhere in this portion, cited by the Office Action, does Applicant disclose that remapping the cursor is essential. Nor does Applicant disclose in this portion that control of the resolution and position of the range can ONLY be performed after the mouse movement is remapped to parameter control.

Similarly, page 5, lines 3-13, recites:

“This is accomplished by using an input device having two degrees of freedom (e.g., a mouse, trackball, touch tablet, joystick, etc.). These two degrees of freedom can be provided by movement along two different axes. For example, movement can be along the x and y-axes in a Cartesian coordinate system. Movement along one axis controls the selection of the scale, while movement along the other axis controls the particular range at that scale. In preferred embodiment, these axes can be remapped to control the position of a cursor on a display screen, instead of the scale and range. In other words the same input device can control either the position of a cursor or control the scale and range, simply by remapping the axes of the input device.”

Just as with the above cited portion, nowhere in this portion does Applicant disclose that remapping the cursor is essential. Nor does Applicant disclose in this portion that control of the resolution and position of the range can ONLY be performed after the mouse movement is remapped to parameter control. Instead, this portion of Applicant’s

disclosure recites that in **one embodiment** the axes **can** be remapped, not that remapping is essential.

In fact, Applicant discloses at least one embodiment that does not require remapping. In the paragraph starting on page 13, line 25, Applicant describes an embodiment where the cursor is positioned over control knob 16 and then the mouse button is depressed and kept depressed. As the mouse is dragged up and down, control knob 16 will track vertical movements of the mouse by sliding up and down vertical bar 15. Thus, since the cursor is positioned over control knob 16 when the mouse button is depressed, no remapping is necessary.

The remaining citations, given by the Office Action, also fail to show where Applicant has disclosed remapping the cursor as essential. Accordingly, Applicant respectfully requests that the §112 first paragraph rejections of claims 26-40 and 64-81, as amended, be withdrawn.

Claims 26-40 and 64-81 also presently stand rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps, stating “[f]or the reasons given above under 35 U.S.C. 112, first paragraph these claims are incomplete because they fail to claim the above described essential subject matter.”

Applicant submits that claims 26-40 and 64-81 are sufficiently definite as to overcome the §112, second paragraph rejections for, at least, the same reasons as those provided, above, in response to the rejection of the same claims under §112, first paragraph. Accordingly, Applicant also respectfully requests withdrawal of the 35 U.S.C. §112, second paragraph rejections of claims 26-40 and 64-81.

Claims 41-63

The Office Action rejected claims 41-63 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states, “The original specification did not use the term ‘control element’. Therefore, it is not clear what part of the graphical user interface is the ‘control element’”. (Office Action, 09/14/06, p. 5.)

Applicant respectfully asserts that the term “control element” as used in the claims has well recognized meaning in the art and does not require any further descriptions or specifications, as was discussed in Applicant’s previous response of May 30, 2006. *However, in the interest of expediting a timely notice of allowance, Applicant has amended claims 41,52,56,60, and 63 to replace the term “control element” with the term “interface element”.* Applicant respectfully asserts that explicit support for the term “interface element” is given, at least, in the specification. (see Specification, page 13, lines 7-9). Furthermore, the specification and accompanying drawings recite several embodiments of first interface elements for displaying the scale and second interface elements for displaying a position of the range. For example, scale slider 11 and control knob 16, as shown in FIG. 5, display the current scale of timeline 14. Also, indicator 13 shows the selected time (i.e., position of the range) on timeline 14.

Therefore, Applicant submits that claims 41-63 are sufficiently definite as to overcome the §112, second paragraph rejections. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §112, second paragraph rejections of claims 41-63.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

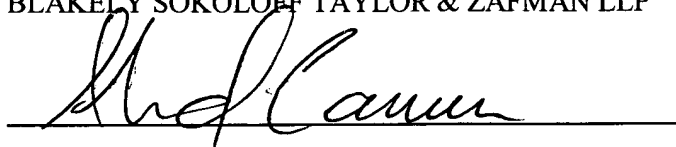
CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 12-14-06

A handwritten signature in cursive script, appearing to read "Andrew J. Cameron", is written over a horizontal line.

Andrew J. Cameron
Reg. No. 50,281